IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

WP(C).No. 27786 of 2007(G)

PETITIONER:

N.KRISHNAN, AGED 55 YEARS,
S/O LATE NARAYANAN, ALACKAL HOUSE,
MAHADEVIKAD MURI, KARTHIKAPPALLY VILLAGE,
KARTHIKAPPALLY TALUK, ALAPPUZHA DISTRICT.

BY ADV. SRI.G.BENO

RESPONDENTS:
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1. THE CHIEF ENGINEER,
KERALA WATER AUTHORITY,
THIRUVANANTHAPURAM.

2. THE EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY,
ALAPPUZHA.

3. THE ASST. EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, HARIPAD.

4. PADMINI, AGED 38 YEARS,
W/O SUDHAKARAN, ALACKAL HOUSE,
MAHADEVIKAD MURI, KARTHIKAPPALLY P.O.,
KARTHIKAPPALLY VILLAGE, KARTHIKAPPALLY TALUK,
ALAPPUZHA DISTRICT.

BY ADV. SRI.S.SREEKUMAR FOR R4
SRI.M.DINESH, SC FOR R1 TO R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.27786/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE KUDIKIDAPPU CERTIFICATE ISSUED BY THE LAND TRIBUNAL, CHERTHALA DTD. 27.9.1971 TO THE PETITIONER.

EXT.P2: ORIGINAL COPIES OF THE PHOTOGRAPHS SHOWING PATHWAY PROVIDED BY THE 4TH RESPONDNET FOR THE CONVENIENT ENJOYMENT OF THE KUDIKIDAPPU OF THE PETITIONER.

EXT.P3: TRUE COPY OF THE RECEIPT NO.254268 DT.13.6.07 ISSUED BY THE 3RD RESPONDENT TO THE PEITIONER.

EXT.P4: TRUE COPY OF THE REQUEST DTD.18.7.2007 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT FOR EXEMPTION FROM PRODUCING CONSENT OF THE 4TH RESPONDENT.

EXT.P5: TRUE COPY OF THE WORK ORDER NO.DB885/04 DTD.23.7.2007 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P6: TRUE COPY OF THE BILL NO.261342 DTD.1.8.2007 SHOWING REMITTANCE OF WATER CONNECTION FEE BY THE PETITIONER.

EXT.P7: TRUE COPY OF THE LETTER NO.AB 132/07 DTD.22.8.2007 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXHIBITS OF R4

EXT.R4(a): TRUE COPY OF ROUGH SKETCH

EXT.R4(b): TRUE COPY OF LAWYER NTOICE DT.28.7.07 ISSUED TO THE 2ND RESPONDENT.

//TRUE COPY//

ANTONY DOMINIC, J.
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W.P.(C) NO. 27786 OF 2007 G
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Dated this the 2nd day of November, 2007

J U D G M E N T

The writ petition has been filed praying for a direction to the respondents 1 to 3 to provide domestic water connection to the petitioner's house No.VIKII/123 in resurvey 388/10 of Karthikappaly Taluk. The Kerala Water Authority declined to provide domestic water connection for the reason that the petitioner did not produce consent from the 4th respondent through whose property the line was proposed to be drawn. The petitioner contends that he is exempted from obtaining such consent in view of the provisions contained in Section 79(A) of the Kerala Land Reforms Act, as the property in question belonged to the same land lord.

2. This contention has been answered by the 4th respondent in her counter affidavit where she has stated that her husband is the owner of the 14 cents of land in Re.Sy.No.388/02 of Karthikappally Village by virtue of document No.1961 of 1993 dated 28.9.93 obtained from her husband's mother Janaki and his brother Soman. From this specific averment, it is evident that the present owner has not succeeded to the estate of the landlord

Sri.Krishnan Govindan, whose name is mentioned in the certificate of purchase of kudikidappu relied on by the petitioner.

3. In view of this, Section 79(A) cannot be of any application and the petitioner cannot get water connection without the consent of the 4th respondent.

Writ petition fails and is dismissed.

ANTONY DOMINIC, JUDGE.

Rp